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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,220	04/09/2004	Semyon B. Mizikovsky	2100.006100	1318

7590 09/21/2007  
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Houston, TX 77042

EXAMINER
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OKORONKWO, CHINWENDU C

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/822,220

Applicant(s)

MIZIKOVSKY, SEMYON B.

Examiner

Chinwendu C. Okoronkwo

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04/09/2004
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. For the record, the Examiner acknowledges that no priority claim has been made in regards to this application.

***Information Disclosure Statement***

2. For the record, the Examiner acknowledges that no IDS has yet to have been received with this application filed on 04/09/2004.

***Oath/Declaration***

3. For the record, the Examiner acknowledges that the Oath/Declaration submitted on 04/09/2004 has been received and considered.

***Drawings***

4. For the record, the Examiner acknowledges that the Drawings submitted on 04/09/2004 have been received and considered.

***Specification***

5. For the record, the Examiner acknowledges that the Specification submitted on 04/09/2004 has been received and considered.

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6. Pursuant to USC 131, claims 1-11 are presented for examination.
7. Claims 1-11 are pending.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over SomelInventor et al. (U.S. Patent Application Publication No. 20040010714 A1).

Regarding claim 1, SomelInventor et al., discloses a method, comprising:  
receiving a first challenge associated with a first authentication process (0073-0074); deriving a second challenge associated with a second authentication process based on at least a portion of the first challenge (0075); performing the second authentication process using the derived second challenge and producing at least one authentication parameter therefrom (0076-0079).

SomelInventor et al. is silent in disclosing a key associated with the first authentication process based on the at least one authentication parameter, however according to what was disclosed, it would have been

obvious for one of ordinary skill in the art to modify the disclosed invention into one that would generate a key associated with the first authentication process based on authentication parameters because this simplify calculations and increase the efficiency with which the keys are generated (0057-0060 of SomInventor et al.).

Regarding claim 2, SomInventor et al., discloses a method, as set forth in claim 1, wherein receiving the first challenge associated with the first authentication process further comprises receiving a CHAP challenge (0152).

Regarding claim 3, SomInventor et al., discloses a method, as set forth in claim 2, wherein deriving the second challenge associated with the second authentication process based on at least a portion of the first challenge further comprises deriving a RAND challenge based on at least a portion of the CHAP challenge (0075-0077).

Regarding claim 4, SomInventor et al., discloses a method, as set forth in claim 3, wherein deriving the RAND challenge based on at least a portion of the CHAP challenge further comprises deriving the RAND challenge by concatenating the CHAP challenge (0088-0107).

Regarding claim 5, SomelInventor et al., discloses a method, as set forth in claim 4, wherein performing the second authentication process using the derived second challenge and producing at least one authentication parameter therefrom further comprises performing a CAVE based authentication process on the RAND challenge to produce SMEKEY (0030, 0056, 0144-146).

Regarding claim 6, SomelInventor et al., discloses a method, as set forth in claim 5 wherein performing the CAVE based authentication process on the RAND challenge to produce SMEKEY further comprises performing the CAVE based authentication process on the RAND challenge to produce SMEKEY and PLCM. (0147-0157).

Regarding claim 7, SomelInventor et al., discloses a method, as set forth in claim 6, wherein deriving the key associated with the first authentication process based on the at least one authentication parameter further comprises deriving the key associated with the first authentication process based on SMEKEY and PLCM (0147-0157).

Regarding claim 8, SomelInventor et al., discloses a method, as set forth in claim 1, further comprising delivering the key to a network to request access to the network (0057-0060).

Regarding claim 9, SomelInventor et al., discloses a method, as set forth in claim 8, further comprising: determining that the first challenge associated with the first authentication process is a re-authentication challenge (0073-0074); bypassing the derivation of the second challenge associated with the second authentication process based on at least a portion of the first challenge in response to the determining that the first challenge is the re-authentication challenge (0075); bypassing the performance of the second authentication process using the derived second challenge and producing at least one authentication parameter therefrom in response to the determining that the first challenge is the re-authentication challenge (0076-0079).

SomelInventor et al. is silent in disclosing the key associated with the first authentication process based on the at least one authentication parameter further comprises using a previously derived key in response to the determining that the first challenge is the re-authentication challenge (0057-0060 of SomelInventor et al.).

Regarding claim 10, SomelInventor et al., discloses a method, as set forth in claim 8, further comprising: determining that the first challenge associated with the first authentication process is a re-authentication challenge (0073-0074); and wherein delivering the key to a network to request access to the network further

comprises delivering a previously derived key in response to the determining that the first challenge is the re-authentication challenge (0076-0079).

Regarding claim 11, SomelInventor et al., discloses a method, comprising: receiving a CHAP challenge; deriving a RAND challenge based on at least a portion of the CHAP challenge (0075-0077); performing an authentication using the RAND challenge to produce a SMEKEY and a PLCM (0147-0157); and deriving a secret CHAP key based on the SMEKEY and PLCM. ().

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is (571) 272 2662. The examiner can normally be reached on MWF 9:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CCO

September 17, 2007

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9,17,07